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**JAN 10 2006**

**OFFICE OF PETITIONS**

In re Application of :  
R. Eric Montgomery :  
Application No. 10/056,296 :  
Filed: January 24, 2002 :  
Attorney Docket No. 04163-00139 :

**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed October 25, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed January 10, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. An Advisory action was mailed July 14, 2005 indicating that the reply filed on March 10, 2005, failed to place the application in condition for allowance. Accordingly, the application became abandoned on April 11, 2005.

The unentered amendment filed March 10, 2005 will be considered the submission required under 37 CFR 1.114.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment (filed March 10, 2005) and a Request for Continued Examination (RCE); (2) the petition fee of \$1500; and (3) the required statement of unintentional delay have been received. Accordingly, the petition filed October 25, 2005 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The application matter is being forwarded to Technology Center 1600, Art Unit 1614 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Retta Williams  
Petitions Examiner  
Office of Petitions